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10/551,937

10/04/2005

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT

PAPER NUMBER

2885

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05/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |                                      |  |
|------------------------------|---|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/551,937    | <b>Applicant(s)</b><br>MURRAY ET AL. |  |
|                              | <b>Examiner</b><br>Hargobind S. Sawhney | <b>Art Unit</b><br>2885              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/4/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-28 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/5</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The preliminary amendment filed on has been entered. Accordingly: the specification has been amended; and all prior version of claims and listing have been replaced.

### *Claim Objections*

2. Claims 9, 10, 24 and 25 are objected to because of the following informalities:

Claim 9, lines 1 and 2, "wherein the security device comprising a burglar alarm" reflects improper dependency respective to the base claim 8. the limitations " wherein the electric device comprising one of a mobile telephone, a sound alarm, a security device and a monitoring device", recited in claim 8, allows any one of the above indicated options, whereas the dependent claim 9 include the limitations respective to a particular option " a security device". As each of claims 10, 24 and 25 also includes the deficiencies similar to that in claim 9, it is also objected

Claim 20, line 1, "method of operating" is misleading. The recited limitations reflect that the method steps are for assembling the device. Therefore, the above preamble needs to be rephrases as -- method steps for assembling an electrical device --. As claims 21-26 also include deficiency similar to that in Claim 20, these claims are also objected.

Claims 20-26 have been examined considering the preamble as suggested above..

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9, 10, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9, lines 1 and 2, "wherein the security device comprising a burglar alarm" reflects improper dependency respective to the base claim 8. The limitation " wherein the electric device comprising one of a mobile telephone, a sound alarm, a security device and a monitoring device", recited in the base claim 8, allows any one of the above indicated options, where as the dependent claim 9 include the limitations respective to a particular option " a security device". As claim 9 is indefinite, it is rejected. Further, each of claims 10, 24 and 25 also includes similar deficiency similar to that in claim 9, claims 10, 24 and 25 are also objected

5. Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language.

Each of claims neither includes a preamble, nor its dependency with respect to other claim. Further, each of claims 27 and 28 does not recite the limitation, its structural relationship, or its intended function.

Each claim must recite limitations in definite manner without bringing figure(s) into the claim.. Each of claims 27 and 28 is an omnibus type claim. No search or

examination, based on prior art, could be performed for claims 27 and 28 art search and examination.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 8 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No.: 3,588,893 (Mc Closkey).

Regarding claims 1, 8 and 10, Mc Closkey discloses an adapter comprising a sensor 44 mounted on a gimbal 48, and interposable between an electrical device 34 and a power supply selectively powering the electrical device 34 in response to the photo detector sensor 44 – broadly interpreted as a light detecting sensor- (Figure 1, column 9, lines 35-37; and column 10, lines 13, 14, 31-36); and the electrical device 34 being an audible alarm – sound alarm - producing device (Figure 1, column 2, lines 32-37; and column 9, lines 35-37).

8. Claims 1-7 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent JP 2003-317537 (Moriyama).

The following examination is based on the English translation provided by the Advanced Industrial Property Network (AIPN) of the Japanese Patent Office. Copy of

the translation and the original Patent are attached herewith. The above indicated translation is referred as Moriyama".

Regarding claims 1-7 and 16-19, Moriyama discloses an adapter (Figure 1) comprising:

- a motion detecting sensor 46 (Moriyama", Figure 2, Section tiled :Working Example, Example one); a gimbal housing 13 including a male connection 14 at one end and a female connection 19 (Figure 2); the male connection 14 connectable to an electrical socket 11 (Figure 1), and the female end 19 connectable with an electrical device 12 (Figures 1 and 2, Section tiled :Working Example, Example one); a circuit 45 selectively controlling the electrical device 12 in response to the sensor 46 (Figures 1 and 2, Section tiled :Working Example, Example one); the gimbal housing rotatable around the male connector 14 including a first axis – longitudinal axis passing through the male and female connectors – and supporting the sensor 46, which is independently rotatable around the second axis – the axis passing through the element 42 – normal to the first axis (Figures 1 and 2, Section tiled :Working Example, Example one); the male connector 14 and the female connector 19 being on opposite ends of the gimbal housing, which is co-axial with the first axis (Figure 2); the electrical socket 9 being a light bulb adapter Figures 1 and 2, Section tiled :Working Example, Example one); the electrical device being a light source – light bulb 12 (Figures 1 and 2); and

- the sensor 46 rotatable – adapted or capable – either less than 360 degrees, or maximum about 350 degrees around the second axis – the axis passing through the element 42 – (Figure 2).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent JP 2003-317537 (Moriyama) in view of US Patent No.: 2,982,140 (Bennett).

The following examination is based on the English translation provided by the Advanced Industrial Property Network (AIPN) of the Japanese Patent Office. The above indicated translation is referred to as "Moriyama".

Regarding claims 14 and 15, Moriyama discloses the adapter comprising the sensor as applied to Claim 2 discussed in section 8 above. However, Moriyama does not specifically teach the gimbal comprising a locking mechanism for its lockable rotation.

On the other hand, Bennett discloses a gimbal assembly including a locking mechanism 42' – the combination of elements 42 and 44 – lockably rotating the gimbal

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26 (Figures 3 and 4a, column 2, lines 53-58; and column 4, lines 10-17); and the locking mechanism including a ratchet wheel 44 engagable with a pawl 42 (Figure 4a, column 4, lines 10-17).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the adapter of Moriyama by providing a locking mechanism as taught by Bennett for he benefits of controllable operation.

11. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent JP 2003-317537 (Moriyama).

Regarding method claims 20-26, Moriyama discloses the adapter connectable to an electrical device, a sensor on a gimbal rotatable about orthogonal axes, the sensor selectively controlling the electrical device. The above detailed teachings of Moriyama are directly applied to claims 2, , 3 and 5-10 discussed in sections 7 and 8 above.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the method limitations by directly applying the teaching of Moriyama detailed above.

### ***Allowable Subject Matter***

12. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including, Moriyama, does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose either an electrical device adapter combining:



- a spherical shaped sensor positioned between the male and female connectors of an annular housing of a gimbal as recited in the dependent claim 11.

The above-indicated combination, including a gimbal accommodating a spherical sensor, makes this invention unique.

Moriyama discloses an adapter comprising a planar sensor eccentrically positioned away from both the male and female connectors. Thus, Moriyama does not meet the limitations of claim 11.

Therefore, claim 11 is objected over prior art.

Claims 12 and 13 are necessarily objected because of their dependency on the objected base claim 11.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leen (U.S. Patent No. 6,781,129 B2), Buller, Jr. (U.S. Patent No. 6,315,426 B1) and Sandell et al. (U.S. Patent No. 5,649,761)

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:00 AM - 4:30 PM 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jong-Suk (James) Lee can be reached on 571 272 7044. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

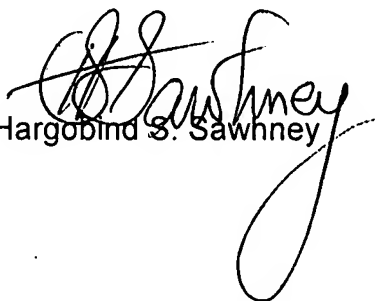
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HSS

5/10/2007

Examiner:

Hargobind S. Sawhney

A handwritten signature in black ink, appearing to read 'Hargobind S. Sawhney', is written over the printed name. The signature is stylized with a large, looping 'H' and a long, sweeping tail.